THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

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WRIT PETITION NO : 20985 of 2005

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Dated:27.09.2005

Between:

M.A. Hafeez, S/o. Late Mohd. Abdul Hashim,
Falaknuma Depot, Hyderabad, R/o. H.No.19-3-132, Jahnuma Near

jama Masjid, Hyderabad, A.,P.

..... PETITIONER

AND

The Depot Manager, APSRTC, Falaknuma Depot, Hyderabad, A.P.

.....RESPONDENT

ORDER:

The petitioner is employed as a Conductor in the Falaknuma Depot of A.P.S.R.T.C. On the basis of a check caused on 04.09.2005 on a bus conducted by him, he was issued a Charge Sheet as well as an order of suspension, dated 09.09.2005. The grievance of the petitioner is that though he was issued a Charge Memo on 04.09.2005, requiring him to submit an explanation within seven days, the Charge Sheet as well as the order of suspension was issued before the expiry of that period. Another grievance of the petitioner is that he made a representation, dated 12.09.2005, to the respondent with a request to furnish certain documents to enable him to submit the explanation, and that the request has not been complied with so far.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent.

The petitioner was issued a Charge Sheet, dated 09.09.2005, alleging that he collected a fare of Rs.12/- from a batch of four passengers, but failed to issue tickets. On the same day, he was placed under suspension. The Charge Memo was issued on 04.09.2005 i.e., the date of check, requiring him to submit his explanation within seven days. Having regard to their contents, the Charge Memo dated 04.09.2005, and the Charge Sheet, dated 09.09.2005, cannot be treated as independent proceedings. In fact, one supplements the other. The petitioner could certainly have had any grievance, if any final order was passed without giving any opportunity to him. While the Charge Memo was issued on the basis of preliminary observations, the Charge Sheet was issued, duly framing a definite charge. The purport of both of them is same. Therefore, no irregularity, as such, can be said to have taken place in issuing the Charge Sheet.

The order of suspension was passed on the same day i.e., 09.09.2005. Reference is made to the check conducted in the bus, and it is difficult to point out that the order of suspension was passed without any basis. The truth or otherwise of the allegations made against the petitioner would emerge, only after the departmental enquiry is conducted.

Insofar as the grievance of the petitioner as to the furnishing of certain documents is concerned, it is the obligation of the respondent to ensure that the copies of the orders or other documents relied upon by him are furnished to the petitioner. It is represented that an Enquiry Officer has already been appointed.

Therefore, the writ petition is disposed of, directing the respondent to consider the representation, dated 12.09.2005, submitted by the petitioner, and take necessary steps within a period of one week from the date of receipt of a copy of this order. The petitioner shall be entitled to submit his explanation within seven days from the date of disposal of the representation submitted by him. There shall be no order as to costs.

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(L.NARASIMHA REDDY, J)

27.09.2005

Note: Issue C.C in three days.

B/o.

vs